

Remarks

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-12 are pending in the application upon entry of this Amendment. By this Amendment, the Applicant has amended claims 1, 5, 9 and 10. No claims have been added or canceled. Support for the amendment to claims 1, 5 and 9 may be found, for example, in the drawings at Fig.5 and in the Specification at page 10 lines 19-28. Claim 10 has been amended for consistency. Accordingly, no new matter has been added. Of the pending claims, claims 1, 5 and 9 are the only independent claims.

In the Office Action mailed May 2, 2006, the Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,995,306 to Contreras et al. (hereinafter “Contreras”). The Applicant believes that the claimed invention is patentable over Contreras and has amended independent claims 1, 5 and 9 to more clearly define thereover. In particular, the independent claims have been amended to particularly claim that a single repositioning of the tape and writing a transposed data block to the allocated blank area are performed in response to a data timeout. As disclosed in the specification at page 10 lines 19-22, a data timeout occurs if new, buffered data is not detected within a specified period of time. By contrast, Contreras teaches a method and apparatus for re-recording of a frame on magnetic tape when a first recording of the frame is determined to be defective. *See* Contreras Abstract lines 1-3 and col. 48 lines 9-14.

Furthermore, at page 2 of the Office Action mailed May 2, 2006, the Examiner contends that it is inherent that when performing a write operation, the tape reels must move at full operating speed in order to write efficiently. *Emphasis added.* However, as presently claimed, the tape drive maintains full operating speed during intervals between writing successive data sets, resulting in spaces between the data sets. Applicant respectfully contends that it is not at all inherent that a tape drive maintains full operating speed during intervals between writing successive data sets.

For the forgoing reasons then, the Applicant contends that a *prima facie* case has not been established and that the rejection of independent claims 1, 5 and 9 (as amended) should be withdrawn. Regarding claims which depend from claims 1, 5 and 9, Applicant contends that these claims are patentable for at least the same reasons that claims 1, 5 and 9 are patentable. Moreover, Applicant contends that these claims recite further limitations, in addition to the limitations of claims 1, 5 and 9, which render these claims additionally patentable.

Applicant has made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,

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